

Town of East Hampton  
Zoning Board of Appeals  
300 Pantigo Road, East Hampton, NY 11937



## **APPROVED MINUTES OF MEETING**

Date: March 1<sup>st</sup> 2016  
Time Started: 6:30 p.m.

### **Members Present:**

John P. Whelan, Chairman  
Cate Rogers, Vice Chair  
David Lys, Member  
Roy Dalene, Member

### **Not Present:**

Lee White, Member

### **Also Present:**

Denise Savarese, Legislative Secretary  
John Jilnicki, Town Attorney  
Elizabeth Baldwin, Counsel to the Board

### **Board Decision:**

Jane H. Concannon Revocable Trust, SCTM# 300-047-01-1010.1, Appeal of the Building Inspector's issuance of Building Permit number 60749 dated April 27, 2015 and the inclusion of a "Group A2" Restaurant use on Certificate of Occupancy number 22601 dated December 14, 2005. Counsel Baldwin recused herself and Counsel Jilnicki stepped in as Town Attorney.

Chairman Whelan made a motion to deny the Appeal – Vice Chair Rogers seconded. All members were in favor. Applicant did not meet the issue of timeliness.

### **Public Hearing:**

Applicant: Michael and Barbara Goodman – SCTM# 300-28-8-1 – 65 South Fairview Avenue, Montauk – Project description is to construct an approximately 924 sq. ft. one story addition to an existing residence with window well and 21 sq. ft. deck, and an upgraded sanitary system within the Towns jurisdiction of freshwater wetlands. Counsel Baldwin noted that the Affidavit of Service and Posting was in order. Vice Chair Rogers conducted a field inspection, reported her findings to the Board, and submitted photographs into the record.

Michael Goodman, Applicant, presented his case to the Board but did state it would be very costly to move the septic system. Residence will be used as a summer home for the family which is growing – adding two bedrooms and two bathrooms. Applicant agreed with all the mitigation recommended. Applicant is currently working with a Landscape Architect for the Re-Vegetation Plan.

Tyler Borsack, appearing on behalf of the Planning Department, gave the Planning Department Analysis, including project conditions and recommendations for the Board consideration.

Vice Chair Rogers made a motion to close the Public Hearing. Member Dalene seconded. All members were in favor.

### **Public Hearing:**

Applicant: Robyn Diament – SCTM# 300-110-2-1 – 91 Napeague Harbor Road, Amagansett – Project description is to demolish an approximately one story residence and construct a new 2,205 sq. ft. two story residence with 560 sq. ft. of 1st and 2nd floor decking and a sanitary system on a parcel of land containing tidal

wetlands, primary dunes and beach vegetation. Counsel Baldwin noted that the Affidavit of Service and Posting was in order. Member Lys conducted a field inspection, reported his findings to the Board, and submitted photographs into the record.

Richard Hammer, Attorney, appearing on behalf of the applicant gave background history of the property – addressed non-compliance with FEMA and expressed need for additional living space, tried to minimize setbacks as much as possible, variance requested for the septic system is their main issue, flat roof scheme would be a benefit,

Brian Frank, Chief Environmental Analyst, appearing on behalf of the Planning Department, gave background history of the property, the magnitude and number of variances are substantial, there are no conforming locations due to so many constraints on the property. Planning Department feels the threshold for variances has not been met, a smaller footprint located closer to the road would eliminate variances, addressed height variances and noted there has been no discussion regarding naturalization of the shoreline. This is an environmentally sensitive property and a highly active erosive area.

Nilay Oza, Architect, addressed the issues regarding 1) septic system 2) the reduction of the pyramid 3) applicant has tried to get structure as tight as possible with regard to the septic system and water – but it is located in the middle of the property.

Drew Bennett, Consulting Engineer, addressed the design of the septic system and leaching pools.

Robyn Damient, Applicant, stated they have addressed every possible scenario in the last two years including Re-Vegetation – applicant is willing to do whatever is required.

John Damient, husband of the Applicant, family has been using the house since 1982. He noted they are environmentally sensitive and wish to upgrade the septic system to protect the harbor.

Member Lys made a motion to close the Public Hearing, but leave the record open so the applicant can re-submit based on the Board's concerns and so the Planning Department can comment. Vice Chair Rogers seconded. All members were in favor. Record was left open indefinitely.

#### **Public Hearing Postponed:**

7:10 PM – Applicant: 260BC LLC (formerly 260A LLC) SCTM# 300-189-6-14.3 – and p/o 14.2 – 268 (formerly 278) Further Lane, East Hampton – Project description is to allow two concrete retaining walls, comprising a total of approximately 762 linear ft., to remain on a parcel of land containing dune land, beach vegetation and located within the town's jurisdiction of freshwater wetlands and located within the Town's Agricultural Overlay District.

#### **Work Session:**

#### **Extension of Time:**

John Castrucci – 70 Jacqueline Drive, Amagansett, SCTM# 300-174-02-17 – Member Lys made a motion to approve the Extension. Vice Chair Rogers seconded. All members were in favor.

Timothy Hogan (Thomas & Noelle Twiggs, Now new owner), - 85 South Edgemere Street, Montauk, SCTM# 300-28-04-26 – Member Lys made a motion to approve the Extension. Member Dalene seconded. All members were in favor.

Arthur Trifari – 669 Montauk Highway, Montauk, SCTM# 300-48-3-44 & 45 – Member Lys made a motion to approve the Extension. Vice Chair Rogers seconded. All members were in favor.

Charles Tesler – 3 Whalers Lane, Amagansett, SCTM# 300-152-2-15.27 – Member Lys made a motion to approve the Extension. Member Dalene seconded. All members were in favor.

**Tabled Possible Administrative Application:**

Ann Clemente – 74 Louse Point Road – Springs – Possible Administrative Application to conduct a non-structural coastal restoration project with sand and coconut biologs.

**Tabled Board Determination:**

Kenneth Reiss – SCTM# 300-24-7-31 – 18 Driftwood Lane, Springs – Modification Request – to include generator on plan.

**Executive Session:**

Vice Chair Rogers made a motion to go into Executive Session for legal advice. Chairman Whelan seconded. All members were in favor.

Vice Chair Rogers made a motion to go out of Executive Session. Member Dalene seconded. All members were in favor.

**Board Decisions:**

Breakers Motel, Inc., SCTM# 300-047-01-12, 747 Old Montauk Highway. Montauk, Appeal of the Building Inspector's issuance of Building Permit number 60289 dated December 22, 2014 purported to authorize complete demolition of an existing single-family residence and replacement with a completely new house. Vice Chair Rogers made a motion to deny the Appeal – Member Dalene seconded. All members were in favor. Applicant did not meet the issue of timeliness.

349 Promised Land Road, LLC – SCTM# 300-128-1-21.1 – 349 Cranberry Hole Road, Amagansett – Project description is To construct an approximately 110 linear foot beach walkway, an approximately 1,400 sq. ft. driveway addition and relocation, to construct an approximately 172 sq. ft. entry deck, stairs, and pavers within jurisdiction of dune crest and tidal wetlands, and to clear approximately 1,345 sq. ft. of dune vegetation. Member Lys made a motion to approve the application with mitigation. Vice Chair Rogers seconded. All members were in favor.

Barry Rugg – SCTM# 300-41-1-9.2 – 104 Gerard Drive, Springs – Project description is to demolish an approximately 842 sq. ft. residence and construct a new 4,093 sq. ft. residence with a 328 sq. ft. garage and 1,695 sq. ft. of decking and porches, and sanitary system on a parcel of land containing tidal wetlands. Public Hearing held February 2nd 2016 – Vice Chair Rogers made a motion to extend the record to be held open until March 29<sup>th</sup> 2016. Member Dalene seconded. All members were in favor.

Erwin & Millo Wieser & Ishii – SCTM# 300-24-2-36 - 67 Lion Head Rock Road, East Hampton – Project description is to allow an approximately 408 sq. ft. existing swimming pool patio to remain within the side yard lot line setbacks. Vice Chair Rogers made a motion to approve the application with mitigation. Member Dalene seconded. All members were in favor.

**Minutes:**

Member Lys made a motion to approve the Minutes of February 23<sup>rd</sup> 2016 – Member Dalene seconded. All members were in favor.

**Resolutions Signed:**

**Michael & Sharon Zambrelli – SCTM# 300-197-7-1.29 – Chairman Whelan made a motion to approve the Determination as written. Vice Chair Rogers seconded. All members were in favor.**

**Susan Knobel - SCTM# 300-85-1-27.1 – Member Lys made a motion to approve the Determination as written. Vice Chair Rogers seconded. All members were in favor.**

**Adjourn:**

**Member Lys made a motion to adjourn. Member Dalene seconded. All members were in favor.**

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**John P. Whelan, Chairman  
Zoning Board of Appeals**